

REMARKS

This Amendment is submitted in response to the Office Action mailed on March 28, 2003. Claims 1-15 and 47-79 were previously canceled without prejudice or disclaimer. Claims 80-84 have been added, and claims 16-46 and 80-84 are pending in the present application. Applicants note and appreciate Examiner's allowance of claims 31-46 and the indication of the allowability of claims 17, 19 and 22-25. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Claims 16, 18, 20, 21 and 26-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fletcher, U.S. Patent No. 4,363,086. Applicants respectfully traverse these rejections and request that these rejections be withdrawn.

In particular, independent claim 16 is directed to an assembly for use of a luminaire including a ballast housing, a fastener member operatively connected to the ballast housing, and a wiring box which is engageable with an upper end of the ballast housing for pivotally supporting the ballast housing between inoperative and operative positions. The wiring box includes a flange member adapted to engage the fastening member when it is fully fastened to support the ballast housing in the operative position. Independent claim 26 is directed to an assembly

for use in a luminair including a ballast housing including at least one opening formed through the thickness thereof adjacent an upper end of the ballast housing and a wiring box including at least one tab member formed adjacent a lower end of the wiring box for insertion in the opening of the ballast housing for pivotally supporting the ballast housing between inoperative and operative positions.

By contrast, Fletcher is directed to a luminaire having an upper ballast housing (10) and a lower slipfitter housing (5). (See Column 2, lines 18-44). In the Office Action, the Examiner takes the position on page 4 that the wiring box of Fletcher is engageable with a lower end of the ballast housing for pivotally supporting the ballast housing. However, as described and shown in Fletcher, the ballast housing (10) of Fletcher pivotally supports the slipfitter housing (5) -- contrary to the presently claimed invention. Moreover, Applicants respectfully submit that it would not be structurally possible to reverse the ballast housing (10) of Fletcher with the slipfitting housing (5) due to the particular mounting of the slipfitter (7) on the pipe "P" as shown in Figs. 1 and 2 of Fletcher. Accordingly, Applicants respectfully submit that the rejections of independent claims 16 and 26 are improper and should be withdrawn.


Moreover, as claims 17-25 and 27-30 depend from allowable independent claims 16 and 26, respectively, and further as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicants respectfully submit that these claims are allowable as well.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this effect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.


David H. Brinkman, Reg. No. 40,532

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324 - Voice
(513) 421-7269 - Facsimile

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